



December 15, 2009

Dr. Carolyn R. Mahoney, President
Lincoln University
820 Chestnut Street
Jefferson City, MO 65101-3500

Federal Express Tracking No. 8712 5468 3161

RE: **Program Review Report**
OPE ID: 01050300
PRCN: 200920726890

Dear Dr. Mahoney:

From February 23 through February 27, 2009, and again on April 20 and 21, 2009, Susan Crim, and Linda Shewack (with assistance on campus from Charles Glasper for the April 2009 visit) conducted a review of Lincoln University's (Lincoln) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requirements of Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs). The findings of that review are presented in the enclosed report.

Findings of noncompliance are referenced to the applicable statutes and regulations and specify the action required to comply with the statutes and regulations. Please review the report and respond to each finding, indicating the corrective actions taken by Lincoln. The response should include a brief, written narrative for each finding that clearly states Lincoln's position regarding the finding and the corrective action taken to resolve the finding. Separate from the written narrative, Lincoln must provide supporting documentation as required in each finding.

Please note that pursuant to HEA section 498A(b), the Department is required to:

- (1) provide to the institution an adequate opportunity to review and respond to any preliminary program review report¹ and relevant materials related to the report before any final program review report is issued;
- (2) review and take into consideration an institution's response in any final program review report or audit determination, and include in the report or determination –

¹ A preliminary program review report is the program review report. The Department's final program review report is the Final Program Review Determination (FPRD).

Federal Student Aid, School Participation Team – Kansas City
8930 Ward Parkway, Suite 2028, Kansas City, MO 64114-3302
www.FederalStudentAid.ed.gov

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- a. A written statement addressing the institution's response;
- b. A written statement of the basis for such report or determination; and
- c. A copy of the institution's response.

The Department considers the institution's response to be the written narrative (to include e-mail communication). Any supporting documentation submitted with the institution's written response will not be attached to the FPRD. However, it will be retained and available for inspection by Lincoln upon request. Copies of the program review report, the institution's response, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after the FPRD is issued.

The institution's response should be sent directly to Susan Crim of this office within **30** calendar days of receipt of this letter.

Protection of Personally Identifiable Information (PII):

PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. Please see the Enclosure, Protection of Personally Identifiable Information, for instructions regarding submission to the Department of required data or documents containing PII.

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. § 668.24(e).

We would like to express our appreciation for the courtesy and cooperation extended during the review. Please refer to the above Program Review Control Number (PRCN) in all correspondence relating to this report. If you have any questions concerning this report, please contact Susan Crim at 816-268-0417 or Susan.Crim@ed.gov.

Sincerely,



Dvak R. Corwin
Team Leader

cc: Chief Bill Nelson, Lincoln University Police Department

Enclosure: Protection of Personally Identifiable Information

ENCLOSURE

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

Personally Identifiable Information (PII) being submitted to the Department must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth).

PII being submitted electronically or on media (e.g., CD-ROM, floppy disk, DVD) must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip. However, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using WinZip must be saved as Legacy compression (Zip 2.0 compatible).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hard copy files and media containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

PII data cannot be sent via fax.

Prepared for
Lincoln University



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OPE ID: 00247900
PRCN: 2009 2 07 26890

Prepared by
U.S. Department of Education
Federal Student Aid
School Participation Team – Kansas City

Program Review Report

December 15, 2009

U.S. Department of Education- Kansas City
8930 Ward Pkwy, Suite 2028
Kansas City, Mo 64114-3392
www.FederalStudentAid.ed.gov

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A. Institutional Information

Lincoln University
820 Chestnut St.
Jefferson City, MO 65101-3500

Type: Public

Highest Level of Offering: Master's/Doctorate

Accrediting Agency: North Central Association of Colleges and Schools, Higher Learning Commission

Current Student Enrollment: 3,109 (Fall 2008)

% of Students Receiving Title IV: 80% (Fall 2008)

Title IV Participation (from Postsecondary Education Participants System (PEPS)):

	<u>2007-2008</u>
Federal Pell Grant (Pell)	\$4,028,469
Federal Work Study Program (FWS)	\$113,088
Federal Supplemental Educational Opportunity Grant (FSEOG)	\$138,373
Federal Family Educational Loan Program (FFEL)	\$11,423,186
Total	\$15,703,116

<u>Default Rate FFEL:</u>	2007	13.2%
	2006	12.6%
	2005	7.7%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Lincoln University (Lincoln) from February 23, 2009 to February 27, 2009. The review was conducted by Ms. Susan Crim and Ms. Linda Shewack. The Department then made a follow-up visit to campus to complete on-site review work and document collection on April 20 and 21, 2009. On that visit, Mr. Charles Glasper assisted Ms. Crim.

The focus of the review was Lincoln's compliance with provisions of the Clery Act. The review consisted of an examination of Lincoln's policies and procedures related to campus safety as well as the records of Lincoln's Department of Public Safety (Lincoln Police Department) and Lincoln's student disciplinary records. The review concentrated on the crime statistics that were required to be reported in the annual reports due to be released to students and faculty as of October 1, 2006, October 1, 2007, and October 1, 2008. These reports covered the calendar years 2003, 2004, and 2005 (2006 report); 2004, 2005, and 2006 (2007 report); and 2005, 2006, and 2007 (2008 report). In addition, the Department reviewed institutional records of reportable crimes for calendar years 2008 and 2009 to ensure correct inclusion in Lincoln's crime log and for proper coding/reporting of criminal incidents in accordance with Uniform Crime Reporting (UCR) guidelines. The Department also examined institutional policies related to campus security that are currently in use at Lincoln, as well as those in effect for the 2006, 2007, and 2008 reporting periods.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning Lincoln's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve Lincoln of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

This report reflects initial findings. These findings are not final. The Department will issue its final findings in a subsequent Final Program Review Determination (FPRD) letter.

C. Findings

During the review, several areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by Lincoln to bring operations of its policies and procedures related to the Clery Act into compliance with the statutes and regulations.

1. NO AUDIT TRAIL TO SUBSTANTIATE CRIME STATISTICS

Citation: 34 C.F.R. § 668.41(e)(5) states that an institution must report crime statistics to the Department each year in accordance with 34 C.F.R. § 668.46(c), which requires an institution to report crime statistics for the three most recently completed calendar years preceding the date of the report. Further, 34 C.F.R. § 668.24(e) requires that an institution keep records relating to its administration of Title IV, HEA programs for three years after the end of the award year for which aid was disbursed.

Noncompliance: During our review of the reported crime statistics, crime logs, incident reports, and supporting documentation for the reports issued in 2006, 2007, and 2008, as well as incidents occurring calendar years 2008 and 2009 that had not yet been included in an annual report, it became apparent that there was no way to determine which crime incident reports substantiated the crimes included in Lincoln's annual security report and those reported to the Department.

At the outset of the on-site visit in February 2009, Lincoln failed to produce documentation outlining which specific incident reports corresponded with the reported crime statistics. Prior to the conclusion of the February on-site visit, Lincoln produced a series of spreadsheets in response to our request for an audit trail. However, in many cases, the number of incident reports listed on these spreadsheets did not equal those reported in the crime statistics. For instance, the "2006 Cross-Reference (Daily Crime Log and Reported Crime Stats)" spreadsheet provided by the school only lists 5 incident reports concerning Burglaries, even though the institution reported 12 Burglaries occurring during the calendar year 2006. Further the 2006 "Cross-Reference" spreadsheet states that Lincoln was "unable to locate any" aggravated assault incidents during that calendar year, even though the institution reported 1 aggravated assault for calendar year 2006.

Lincoln was also unable to account for the numbers of disciplinary referrals in 2006. Though the "Cross-Reference" spreadsheet lists 2 incident report numbers for "illegal weapons-disciplinary action," No report was found for one incident number (06-70), and, after review of the other, it was determined that the weapon in question was not illegal, merely not allowed on campus. Further, the individuals cited in the report were not even Lincoln University students, and as such, they would not have been referred to

the student disciplinary board. Therefore, this should not have been included in the reporting.

A further concern illustrated by the Department's review of Lincoln's "audit trail" is that a closer review of the incident reports listed in the "Cross-Reference" documents shows that many of these reports were miscoded. This issue will be addressed in Finding 2 below.

Required Action: In response to this Program Review Report, Lincoln must attempt to determine the incidents that comprise the crime statistics reported for the most recently issued annual security report (October 1, 2009), calendar years 2006 through 2008. This "audit trail" must include the incident numbers and/or student disciplinary reports that represent the reported crime statistics for that particular year.

Furthermore, Lincoln must develop procedures to ensure that, going forward, a proper audit trail is retained. Such documentation should include a listing of the incident report numbers that correspond to its reported annual crime statistics. While the Department does not prescribe the manner in which an institution tracks its Clery-reportable crimes, it must be able to account for each crime and each disciplinary action reported. Lincoln must include its procedures for creating an audit trail as part of its response.

2. CRIMES MISCODED IN THE CRIME LOG

Citation: An institution must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on noncampus buildings or property, and on public property of the following that are reported to local police agencies or to a campus security authority:

- (i) Criminal homicide:
 - (A) Murder and nonnegligent manslaughter
 - (B) Negligent manslaughter
- (ii) Sex offenses:
 - (A) Forcible sex offenses
 - (B) Nonforcible sex offenses
- (iii) Robbery
- (iv) Aggravated assault
- (v) Burglary
- (vi) Motor vehicle theft
- (vii) Arson
- (viii) (A) Arrests for liquor law violations, drug law violations, and illegal weapons possession.

(B)Persons not included in paragraph (c)(1)(viii)(A) of this section who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession. (34 C.F.R. § 668.46(c)(1)).

Further, an institution must utilize the definitions of crimes provided in appendix A to Subpart D (34 C.F.R. §§ 668.41 to 48) and the Federal Bureau of Investigation's (FBI) UCR Hate Crime Data Collections and Training Guide for Hate Crime Data Collection." 34 C.F.R. § 668.46(c)(7).

Noncompliance: For the calendar years 2006 through 2008, the Department reviewed a judgmental sample of 810 incidents. Of the 810 incidents, 45 were miscoded, which included 24 that should have been classified as Clery-reportable crimes. Thus, as outlined below, Lincoln failed to report, in either its annual security report or its statistical report to the Department's Office of Post Secondary Education, the following crimes it was required to have reported:

2006: 21 (3 aggravated assaults, 1 burglary, 3 drug offenses, 1 alcohol offense).

2007: 20 (6 aggravated assaults, 1 forcible sex offense, 1 burglary, 4 drug offenses, and 1 alcohol offense);

2008: 4 (1 aggravated assault and 2 burglaries);

Included in the 810 reports reviewed, 608 incidents that were not found in Lincoln's electronic database, even though the incidents were listed in the initial crime log the Department received from Lincoln in response to the January 30, 2009 letter announcing the program review. After reviewing the incident reports associated with these incidents, the Department determined that 10 were Clery-reportable crimes. However, many of the reports related to those 608 incidents had no narrative associated with them. As a result, there was no way for a third-party looking at the documents to determine whether the incident at issue represented a crime that should have been reported in the annual report and disclosed to the Department.

As described in Finding 1 above, after the Department requested, during the on-site review, an audit trail for the reported incidents, Lincoln produced "Cross Reference" documents for calendar years 2003 through 2007. The "Cross Reference" documents were intended to serve as a record of support for the incidents reported as Lincoln's Clery-reportable crime statistics for those years. However, a review of the associated incident reports contained the following coding errors:

2003

35 incident were reported, with 12 errors.

1 unreported aggravated assault was coded as "illegal weapon possession."

2 drug referrals were omitted.

2 drug arrests were omitted.

2004

27 incidents were included on the report, with 8 errors.
There appear to be no unreported/underreported crimes.

2005

82 incidents were included on the report, with 33 errors.
1 aggravated assault was coded as "illegal weapon possession."
5 disciplinary actions for drug violations were included, but the individuals were actually arrested.

2006

61 incidents were included, with 27 errors.
1 drug arrest was omitted.

2007

71 incidents were included, with 28 errors.
1 drug arrest was omitted.

Other than the underreported crimes cited above, common errors included:

- 1) Incorrect location: Some incidents were reported as occurring in a residence hall that actually occurred in a residence hall parking lot. These types of incidents should be coded as "on campus."
- 2) Disciplinary action referrals for liquor law violations (possession) were included for students over 21 years of age: Because a student aged 21 or older cannot commit liquor law violations for possession, disciplinary action referrals of these violations should not be included in the crime statistics because the student committed no criminal offense.
- 3) Disciplinary action referrals included in addition to arrests for the same incident with the same individual: As noted above, 34 C.F.R. § 668.46(c)(1)(viii), where a student has both been arrested and received a disciplinary referral for the same incident, only the arrest should be counted in the reported crime statistics.
- 4) Thefts coded as Burglaries: As a result of misclassifying these incidents, Lincoln over-reported the number of burglaries.

Assuming that Lincoln did not detect the listed miscoded crimes during its annual compilation of crime statistics, these incident reports resulted in 13 Clery-reportable crimes not being reported in its annual security report or to the Department. Further, Lincoln incorrectly reported the location in which several crimes occurred.

Required Action: The Lincoln Police Department must develop procedures that will ensure crimes reported to it are classified according to the FBI's UCR definitions and

then must train its officers and dispatchers on these procedures. Additionally, Lincoln must train staff members who meet the definition of a campus security authority on the Clery rules for correctly reporting incidents according to the location at which the incident occurs, as well as when to report referrals for disciplinary actions. Lincoln must include a copy of these procedures and its plan for training with its response to this Program Review Report.

3. FAILURE TO DISTRIBUTE A CAMPUS SECURITY REPORT FOR THE 2006 AND 2007 CALENDAR YEARS

Citation: An institution must prepare an annual security report that contains, at a minimum, the required crime statistics, along with the required campus security policies and procedures outlined in 34 C.F.R. § 668.46(b). This report must be distributed to all enrolled students and current employees by October 1 of each year. 34 C.F.R. § 668.41(e).

Noncompliance: Lincoln was unable to document that it had timely prepared and distributed the annual security reports as required to be distributed by October 1, 2006 and October 1, 2007. As a result, the Department cannot be assured that enrolled students and current employees had timely and complete access to information regarding the relevant crime statistics, university policies and procedures regarding campus security, or guidance regarding crime awareness and prevention.

Required Action: Lincoln must, going forward, distribute its annual campus security report to current employees and enrolled students by October 1 of each year. The security report must include all required statistics, disclosures, policies, and procedures. The institution must develop procedures to ensure that the report is prepared and distributed according to the regulations, and the documentation proving distribution must be retained for the required record retention period. Lincoln must submit a copy of those procedures and assurances along with its response to this Program Review Report.

4. CRIME LOG NOT AVAILABLE UNTIL 2009

Citation: An institution that maintains a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred on campus, on a noncampus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or the campus security department. The log must include i) The nature, date, time, and general location of each crime; and ii) the disposition of the complaint, if known. 34 C.F.R. § 668.46(f)(1).

An institution must make an entry or an addition to an entry to the log within two business days, as defined under 34 C.F.R. § 668.46(a), of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim. 34 C.F.R. § 668.46(f)(2). Further, the institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection. 34 C.F.R. § 668.46(f)(5).

Noncompliance: Lincoln did not maintain a daily crime log until sometime in 2008. During interviews with staff, reviewers determined that Lincoln did not compile crime logs fully in accordance with the regulations until just before the February 2009 on-site review. As revealed by the interviews, the staff employed at the time understood Lincoln to be in compliance with this Clery Act requirement because the Lincoln Police Department kept individual 8 inch by 5 inch incident report cards in the front office and available to the public. The incident report cards contained the date, time, location, and nature of the incident. However, it was not possible for the Department to determine or verify Lincoln's maintenance of a crime log prior to its transfer to the campus website.

While the institution is not required to maintain a crime log online, the web page of the Lincoln Police Department, as of December 31, 2008, contained a link to a crime log. However, that link contained no data. When reviewers checked the crime log on February 24, 2009, data then existed in the link.

Required Action: Lincoln attempted to construct daily crime logs dating back to calendar year 2001. Going forward, Lincoln must maintain a crime log in the manner prescribed in 34 C.F.R. § 668.46(f). This requires the institution to enter crimes in the log within two business days of the incident report to the Lincoln Police Department, and it must update the entry information or add the disposition, as applicable. In response to this Program Review Report, Lincoln must prepare written procedures for maintaining the crime log, and it must submit a copy of the procedures.

5. FAILURE TO PROVIDE THE VICTIM OF A SEXUAL ASSAULT WITH THE OUTCOME OF THE CAMPUS DISCIPLINARY BOARD'S INVESTIGATION.

Citation: An institution's annual campus security report must include procedures for campus disciplinary actions in case of an alleged sex offense. These procedures must include a statement that both the accuser and the accused will be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. 34 C.F.R. § 668.46(b)(11)(vi)(B). Under this regulatory requirement, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex

offense and any sanction that is imposed against the accused. 34 C.F.R. § 668.46(b)(11)(vi)(B).

Noncompliance: Lincoln's annual security report does include a statement that both the accuser and the accused will be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. However, on one occasion, Incident No. 2007-21, occurring on January 20, 2007 (and reported to the Lincoln Police Department on January 22, 2007), Lincoln failed to advise the accuser of the final outcome of a disciplinary action in such a case.

Required Action: Going forward, Lincoln must formally advise the accuser of the outcome of the disciplinary action in this sexual assault case if it has not done so yet. If more than one student was accused in a particular case or incident, the institution must inform the accuser as to the sanction (if any) against each student involved in the case. As part of its response to this Program Review Report, Lincoln must develop procedures that will ensure that any accuser is informed of the outcome of a student disciplinary case involving sexual assault. A copy of these procedures must be submitted with Lincoln's response.

6. ANNUAL REPORT DOES NOT INCLUDE POSSIBLE SANCTIONS IN DISCIPLINARY ACTIONS INVOLVING SEX OFFENSES

Citation: An institution's annual security report must include sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or nonforcible sex offenses. 34 C.F.R. § 668.46(b)(11)(vii).

Noncompliance: Lincoln's annual security report does not include a statement regarding the possible sanctions it might impose in the final determination of an institutional disciplinary proceeding in the case of a sexual offense.

Required Action: Lincoln must update its annual security report to include a statement describing the possible actions that may be taken against a student after a disciplinary proceeding involving a sex offense. As part of its response to this Program Review Report, Lincoln must provide proof that it has distributed these updated policies to all currently enrolled students and employees. In addition, it must submit a copy of the updated annual security report along with its response.

7. PROCEDURAL DEFICIENCIES IN SEXUAL ASSAULT POLICIES

Citation: The annual security report must include notification to students of existing on and off-campus counseling, mental health, or other student services for victims of sex offenses. 34 C.F.R. § 668.46(b)(11)(iv). Further, it must also include notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available. 34 C.F.R. § 668.46(b)(11)(v).

Noncompliance: Although Lincoln's annual security report addresses these issues, some verbiage in the report is confusing. Page 26, Section G, of Lincoln's October 1, 2009 campus security report, which outlines the "Sexual Assault Victim's Bill of Rights", states that victims have "[t]he right to counseling from any mental health services previously established by the institution, or by other victim services entities, or by victims themselves." The reference to counseling "by victims themselves" seems to imply that victims may counsel themselves or refer themselves. The institution should clarify the meaning of this statement.

Department interviews with staff and administration revealed a lack of clarity regarding who is responsible for offering guidance regarding counseling and whether staff should proactively offer accommodations to a victim or merely respond to requests for a change in academic or living situations. Staff members were also unclear regarding who should refer the student to counseling services. Similarly, Lincoln Police Department staff members interviewed by reviewers were unsure whether, in cases of an alleged sexual offense, they should refer the victim to available counseling services or whether that was the responsibility of staff in Student Affairs.

Interviews with residence hall staff indicated that there was also a lack of understanding of how accommodations should be made to a student regarding his or her academic and living situations. While there was a clear understanding that these accommodations would be available, residence hall staff stated that they understood this to mean that the victim must actively request accommodations, not that it was the responsibility of the Residence Hall staff to proactively offer accommodations. Further, during her interview with reviewers, the Vice President of Student Affairs stated that her understanding of the accommodation available to an alleged victim was that the alleged *perpetrator* would be moved, not that the *victim's* academic or living situation would be changed.

Required Action: With the exception of the unclear verbiage regarding counseling "by the victim themselves," the counseling policy meets the minimum notification requirements. As noted above, Lincoln's response to this Program Review Report should provide clarification of that statement. However, deficiencies in Lincoln's procedure

could result in the victim of a sexual assault not receiving the counseling referral or accommodations required in these notifications. Therefore, Lincoln must first review the verbiage regarding counseling and clarify the counseling services available. The resulting change to the policy language must then be revised in Lincoln's annual campus security report. The response should document that Lincoln has provided the updated policy language to all currently enrolled students and employees. It must also submit to the Department a copy of the updated annual security report reflecting these changes.

Lincoln must also develop clear procedures for Residence Hall, Lincoln Police Department, and Student Affairs staff members so that they understand how to assist the victim of a sexual assault. The institution must include a copy of those procedures with its response.

8. CAMPUS GEOGRAPHIC BOUNDARIES NOT DEFINED

Citation: An institution must provide a geographic breakdown of the crime statistics reported in its annual security report, under 34 C.F.R. §§ 668.46(c)(1) and (3), according to the following categories: (i) On campus; (ii) Of the crimes reported in paragraph (i), the number of crimes that took place in dormitories or other residential facilities for students on campus; (iii) In or on a noncampus building or property; or (iv) On public property. 34 C.F.R. § 668.46(c)(4). In complying with these statistical reporting requirements, an institution may provide a map to current and prospective students and employees that depicts its campus, noncampus buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public property areas. 34 C.F.R. § 668.46(c)(8).

An institution must comply with the requirements to report crime statistics regarding the annual campus security report for each separate campus. 34 C.F.R. § 668.46(d).

Noncompliance: In order to comply with the requirement that crimes be reported by location, the institution must clearly define its campus property, non-campus property, and the public property surrounding its campus and noncampus property. If it has more than one campus, the institution must publish an annual campus security report, including crime statistics, for each campus.

During interviews with staff members of the Lincoln Police Department, reviewers determined that more clarity is needed to determine what constitutes the public property surrounding the campus. Specifically, a public park abuts the southeastern edge of the campus, and Lincoln officials did not realize that the crime statistics in the annual campus security report must include, as crimes occurring on public property, any reported crimes that occur within a reasonable distance inside the park. Further, Lincoln did not appear to have included statistics for its research farms: Busby, Carver, and Freeman

Research Farms. Another research farm, Greenberry Farm, has not been used by Lincoln since 2006; however, any Clery Act crimes reported at that location should have been included in the 2006 statistics.

In addition, Lincoln provides instruction at Fort Leonard Wood, MO. It does not appear that the institution collected crime statistics for this location during the days and times when the facilities at Fort Leonard Wood are being used by Lincoln. Because instruction is offered to Lincoln students at the Ft. Leonard Wood location, and it is located too far away from the main campus to be considered "noncampus property," Ft. Leonard Wood should be considered a separate campus for purposes of the Clery Act. As a result, a separate campus security report will need to be prepared and distributed for this location.

Required Action: The institution must clearly define its campus, noncampus, and public property. To do this, it may utilize a map. With its response to this Program Review Report, Lincoln must submit a map, or other means of documenting and defining the breakdown by type of property that Lincoln must include in its crime statistics reporting. Also included with the response, Lincoln must provide a determination and explanation of what law enforcement body has jurisdiction for each location, including the research farms still in use.

Additionally, Lincoln must determine whether the research farms should be included as non-campus property or whether they constitute separate campuses according to the definitions in the Handbook on Campus Crime (Chapter 2). The explanation of its determination must be included with its response to the Department. Lincoln must also make a determination regarding its use of facilities at Fort Leonard Wood, MO. This includes a documented attempt to obtain crime statistic information for the days and times in which Lincoln has control of the facility/building. As noted above, a separate annual security report will be required for this location if Lincoln continues to offer a program of study there.

Therefore, as part of its response to this Program Review Report, Lincoln must provide a revised annual campus security report that includes statistics correctly reported by location for calendar years 2006, 2007, and 2008. Where Lincoln determines the noncampus property is actually a separate campus, Lincoln must provide a copy of a annual campus security report for that/those location(s) with its response. In addition, Lincoln must provide proof that it has distributed these updated/created annual security reports to all currently enrolled students and employees.

9. NO PROOF THAT CRIME STATISTICS WERE REQUESTED FROM LOCAL LAW ENFORCEMENT

Citation: In complying with the statistical reporting requirements under 34 C.F.R. §§ 668.46(c)(1) through (4), an institution must make a reasonable, good faith effort to obtain the required statistics and may rely on the information supplied by a local or State police agency. If the institution makes such a reasonable, good faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics. 34 C.F.R. § 668.46(c)(9).

Noncompliance: The Lincoln Police Department could not provide documentation that it had attempted to contact local law enforcement agencies to collect crime statistics for the 2006 or 2007 calendar years. Evidently, the Lincoln Police Department requested crime statistics from local law enforcement for the 2008 calendar year, but Jefferson City Police responded that Lincoln's request was not specific enough.

Lincoln had no documentation to show it requested crime statistic information for the 2006, 2007, and 2008 calendar years from the law enforcement jurisdiction(s) responsible for its research farm locations, nor apparently was information collected from Fort Leonard Wood, MO officials regarding reported crimes during the days and times in which Lincoln has control of the facilities/buildings it utilizes there.

Required Action: In response to this Program Review Report, Lincoln must develop procedures to collect crime statistics from any law enforcement agency that may have jurisdiction over the geographic locations required to be included in Lincoln's Clery crime statistic reporting. As noted in Finding 8, Lincoln must determine what property it must include in its reporting, specifically its research farms and any facilities used at Fort Leonard Wood. A copy of the procedures must accompany Lincoln's response.

Furthermore, Lincoln must then contact the appropriate law enforcement agencies to obtain the requested crime statistics for calendar years 2006, 2007, and 2008. Documentation of these requests, and the agency response(s), should be submitted as part of Lincoln's response. Then, Lincoln must provide a revised annual campus security report that includes statistics reported by these agencies for calendar years 2006, 2007, and 2008, including reports for any noncampus property that is actually a separate campus. Also, as part of the Program Review Report response, Lincoln must provide proof that it has distributed these updated/created annual security reports to all currently enrolled students and employees.

Going forward, if Lincoln provides instruction at additional facilities off campus, it must also determine what law enforcement agencies have jurisdiction for these locations, and it must request crime statistics for the dates and times that it has control over those

facilities, as outlined in the procedures it will develop in response to this finding. Lincoln's response must include such assurances.

10. CRIME STATISTICS DO NOT INCLUDE A CLASSIFICATION FOR HATE CRIMES

Citation: An institution must report, by category of prejudice, any crime it reports pursuant to 34 C.F.R. §§668.46(c)(1)(i) through (vii), and any other crime involving bodily injury reported to local police agencies or to a campus security authority, that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability. 34 C.F.R. § 668.46(c)(3).

Noncompliance: Lincoln failed to address hate crimes in its annual security report. While it does appear from interviews that none were recorded for 2006, 2007, or 2008, the annual security report should have indicated in some manner that there were no hate crimes to report in those years. In this way, the campus community would have been fully advised regarding hate crimes on campus.

Required Action: In response to this Program Review Report, Lincoln must provide a revised annual campus security report that includes a statement that no hate crimes were reported for calendar years 2006, 2007, and 2008. This may be accomplished with either a listing of hate crime statistics by category of prejudice, or, at a minimum, a caveat stating that no hate crimes occurred on campus or on surrounding public property during the calendar year. Also, Lincoln must provide proof that it has distributed the updated annual security report(s) to all currently enrolled students and employees.

Furthermore, as part of its response to the Program Review Report Lincoln must develop procedures for collecting and classifying information on possible hate crimes, and must submit a copy of these procedures to the Department.

D. Recommendations

The following are recommendations based upon observations made by the review team during the program review. Lincoln is not required to provide a response to, nor is it required to act upon, these recommendations. However, the Department believes that adoption of these recommendations will assist Lincoln in its compilation of the annual campus security report and its compliance with Clery Act requirements.

1. COMPILE STATISTICS OF CLERY ACT CRIMES ON A MONTHLY BASIS

As all institutional departments most closely involved in collecting Clery data develop procedures to ensure that their staff members understand their Clery responsibilities, Lincoln may want to consider compiling Clery statistics on a monthly basis rather than once a year prior to the October 1 deadline. Adopting such a process will reduce the risk that crimes required to be reported are not omitted from the annual campus security report and from reporting to the Department. This process will also aid in the creation of a reliable audit trail that will provide Lincoln with confidence in the accuracy of its reported crime statistics.

2. UTILIZE THE FULL FUNCTIONALITY OF REPORT EXEC

The crime incident report database used by Lincoln's Police Department, Report Exec, includes a checkbox to indicate that an incident should be included in Clery reporting. The Department recommends that Lincoln determine how best to utilize this functionality to increase the accuracy of its crime statistics reporting.

The Department also recommends that Lincoln utilize the narrative and supplemental update functionality of the database to add information as an investigation progresses. Given that crime classification can change from the time of an initial report to the conclusion of the investigation, it is critical that accurate updates are made. These updates should be reflected in the supplemental reports associated with an incident. During the Department's review of the incident reports, some reports contained little or no narrative and conflicting classifications between the report and the Crime Log. Often, there was no supplemental information indicating why the crime may have been reclassified. This may cause errors when compiling Clery statistics as it may be difficult to research incident reports if clarification is needed to determine whether an incident should be included in Lincoln's Clery Act reporting.

3. ESTABLISH A COMMITTEE OF CAMPUS SECURITY AUTHORITIES

After examining a sampling of 15 housing incident reports taken from 2007-2009, we were able to reconcile most incidents with the Daily Crime Log. However, it was determined that one report of a burglary in Martin Hall that occurred on February 23, 2009 did not appear on the Daily Crime Log, and as there is only limited information to establish an audit trail, it was not possible to determine whether this incident was included in the crime statistics under the residence hall category. According to staff members, Lincoln's procedures require that all crimes be reported to the Lincoln Police Department. If that actually is the required institutional procedure, this incident was missed and failed to be reported.

The Clery Act does not prescribe the manner in which campus security authorities compile and report crime statistics, only that they do so. However, many institutions have found that it is helpful to establish a committee comprised of the main campus security authorities. This committee would then meet on a regular basis to coordinate the reporting process and thus ensure that no crime is omitted or counted multiple times in the institution's annual reporting.